

# EXHIBIT I

**From:** Kelley.Storey@lw.com <Kelley.Storey@lw.com>  
**Sent:** Thursday, May 19, 2022 1:35 PM  
**To:** Kazim Naqvi <KNaqvi@sheppardmullin.com>; truitt.a@wssllp.com; Doug.Lumish@lw.com; Gabe.Gross@lw.com; SKYRYSEMOOG.LWTEAM@lw.com; green.a@wssllp.com  
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**Subject:** RE: Moog/Skyryse - Scheduling Issues

Kazim,

Our positions on the scheduling issues are outlined below.

**Proposed Revised Expedited Discovery Schedule:**

We think all the parties understand the general contours of the dispute over the revised expedited discovery schedule. We propose that on Monday, the parties state their positions in a joint letter brief with each party's section not to exceed two pages. We suggest exchanging two-page positions no later than 12:00 EST on Monday. Assuming we have everyone's cooperation, we will be happy to combine the submissions into a single letter brief within an hour and send to all parties for review and any final edits. Please let us know if the parties agree to his approach, which we think will be streamlined and efficient for the court.

**Privilege/Privacy Review Schedule for Devices Turned Over to iDS:**

We are continuing to work on this issue and hope to have a response to you later today.

**Turnover of All Other Devices/Information Potentially Containing Alleged Moog Non-Public Data or Reflecting Alleged Deletion of Data:**

As counsel for Skyryse has previously noted, the lists of filenames and hash values which Moog has provided purportedly to assist in required discovery are excessive and loaded with common terms that have led to apparent "hits" on irrelevant documents. For example, in an April 1 letter from Skyryse's former counsel to Moog's counsel, Skyryse noted that:

"[T]he Moog Filename List contains many thousands of files with generic filenames readily found in non-Moog file systems, either because they are used or produced by common applications or because they are commercially available. For example, the Moog Filename List contains 97 instances of files named main.c, which is a filename common to every program written in that language. Files matching MD5 hash values supplied in the Moog Hash Value List also have been revealed as public information, rather than information belonging to Moog. For example, the Moog Hash Value List contains a file named pre-rebase.sample associated with a hash value of 56e45f2bcbc8226d2b4200f7c46371bf. A basic Internet search (see [tinyurl.com/3brps9tj](https://tinyurl.com/3brps9tj)) reveals this file is not a Moog file, but rather is a file copyrighted by Junio C. Hamano, a well-known open-source software developer employed by Google. Thus, it clearly is not the case that every—or even most—of the files identified by Moog in its Moog Filename and Hash Value Lists constitute information belonging to or originating with Moog."

And in an April 4 letter from Skyryse's former counsel to Moog's counsel, Skyryse provided many other examples of such filenames, including: "numerous filenames of source code (e.g., acosf.c; atanf.c; ctype.c; libcov-printf.c; memcmp.c; memcpy.c; memset.c; s\_ceil.c; s\_floor.c; sqrtf.c; startup.c; strtoul.c; sync.c; timestamp.c) copyrighted to third parties, including Texas Instruments, Bullseye Testing

Technology, Sun Microsystems, and Daniel Drake—many of which are distributed under public license and all of which are definitively not Moog files.”

These overbroad lists have encumbered and slowed Skyrise’s good-faith efforts to identify the existence of any alleged Moog confidential information and to produce it to iDS or to Moog. As such, we are unable to identify a date certain by which this investigation will be complete. Once again, we urge you to revise and narrow Moog’s Filename List and Hash Value list so that it actually relates to what Moog—and only Moog at this point—knows are its alleged trade secrets, which will facilitate discovery. By contrast, continuing to force Skyrise to work with these overly broad lists that relate to common and publicly used filenames and hash values is impeding discovery and creating excessive burdens on both parties.

Best,

**Kelley Storey**

Pronouns: she/her/hers

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**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>

**Sent:** Wednesday, May 18, 2022 3:40 PM

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**Subject:** RE: Moog/Skyrise - Scheduling Issues

Alex:

The written submission is due Monday. A Friday meet and confer will jam all the parties. Please provide your positions in writing by Noon tomorrow.

We also have not heard anything from the Skyrise team. We renew our request for availability this afternoon to meet and confer. If this afternoon does not work, then please provide availability for tomorrow morning. If we don’t receive a response, we will assume Skyrise objects to our proposed dates and will advise the Court accordingly.

Thank you,  
Kazim

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**From:** Alexander Truitt <[truitt.a@wssllp.com](mailto:truitt.a@wssllp.com)>

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**Subject:** RE: Moog/Skyryse - Scheduling Issues

Good Afternoon Kazim,

Anthony and I have filing deadline tomorrow. Could we look at some times on Friday Afternoon ?

**From:** Kazim Naqvi <[KNaqvi@sheppardmullin.com](mailto:KNaqvi@sheppardmullin.com)>

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**Subject:** RE: Moog/Skyryse - Scheduling Issues

Counsel:

I am following up on my e-mail below. Please provide your availability to meet and confer this afternoon or tomorrow morning. Alternatively, please provide today your written positions regarding the proposed scheduling issues addressed below.

Best,  
Kazim

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**Subject:** Moog/Skyryse - Scheduling Issues

Counsel:

During today's conference, the Court directed the parties to meet and confer regarding outstanding scheduling issues in advance of the Monday submission deadline. In advance of a meet and confer, Moog's positions regarding the various scheduling issues are as follows:

**Proposed Revised Expedited Discovery Schedule:**

It appears the Parties are in general agreement on all dates, pursuant to the attached redlined stipulation I circulated this morning. The area of dispute is that Defendants want the June 2 and August 25 deadlines to require “substantial” completion, whereas Moog requires completion. The reasons for our position were set forth on the record today, and we believe that any need for supplemental productions or additional discovery beyond the deadlines can be made upon a showing of good cause to the Court.

**Privilege/Privacy Review Schedule for Devices Turned Over to iDS:**

In Moog’s Motion for Adoption of Inspection Protocol and accompanying Exhibit A (which the Court granted), Moog proposed the following schedule for privilege/privacy review:

- May 19 – deadline for Skyrise to: (1) complete its privilege review of the forensic images of its 5 devices currently in the neutral vendor’s possession (which were turned over to iDS on April 1, April 29, and May 5, respectively), such that the remainder of the forensic images (not containing privileged material) is made available for inspection to Moog’s experts and outside counsel; and (2) provide a log regarding any excised material to Moog’s outside counsel. (See ECF 96-13, p. 23.)
- June 2 – deadline for Individual Defendants to: (1) complete privilege and privacy review of the forensic images of the 23 devices currently in the neutral vendor’s possession (which were turned over to iDS on April 1), such that the remainder of the forensic images (not containing privileged and personally private material) is made available for inspection to Moog’s experts and outside counsel; and (2) provide a log regarding any excised material to Moog’s outside counsel. The foregoing will be done on a rolling basis. (See ECF 96-13, pp. 23–24.)

Moog first proposed a schedule very similar to the above as early as May 4, in its letter submission emailed to the Court (see Exhibit 4, para. II.A.5). At no point have Defendants objected to any of these dates or proposed their own dates.

Moog proposes that the schedule described above be adopted, with the sole modification being that May 19 be replaced with May 26. Especially given that the privilege and privacy reviews should have been initiated more than 6 weeks ago (when the majority of the 28 devices were turned over on April 1) and certainly no later than May 13 (when the Court granted Moog’s Motion), we believe this schedule is eminently reasonable.

**Turnover of All Other Devices/Information Containing Moog Non-Public Data or Deletion of Data:**

As you know, the March 11 Order required Defendants to turn over all Moog non-public data to either Moog or iDS by April 1. Skyrise turned over devices and information well after that date, in violation of the March 11 Order, and it appears there will be further supplemental productions by May 26. In order to keep the proposed revised expedited discovery schedule on track, Moog requires a date certain by which Skyrise will comply with its obligations under the March 11 Order and cease its violation of same. Moog also requires a date certain by which all electronic devices that were involved in the “alarming series of deletions” identified by Skyrise’s counsel during the April 26 Conference will be turned over to iDS. As the Court stated in its May 13 Order, part of the purpose of entering Moog’s inspection protocol is to “give[] Moog the best opportunity to discover what information was taken from Moog and/or



spoliated by defendants.” (ECF 109, p. 2.) Yet Skyryse has turned over no additional devices in nearly 2 weeks, and Moog has not received any further information regarding the potential spoliation, even though Skyryse’s disclosures regarding this issue began more than 3 weeks ago.

Consistent with the foregoing, Moog also proposes June 2 as the deadline for:

- Turnover to iDS of all Moog non-public information, including electronic devices, if the information “necessarily contains” Skyryse information;
- Turnover to iDS of all electronic devices which were involved in deletion of data (whether recoverable or not), including those identified by Skyryse’s counsel during meet and confers with Moog’s counsel on April 24 and 25, in Skyryse’s letter to the Court on April 25, at the April 26 Conference, and in Skyryse’s May 4 Letter to Moog’s counsel (which was also filed at ECF 96, Ex. H); and
- Production directly to Moog of all Moog non-public information, including electronic devices, if the information does not “necessarily contain[]” Skyryse information.
- All turnover and production to be done on a rolling basis.

Please provide your availability to meet and confer via Zoom on these issues tomorrow between 1-5 PM PST.

Thank you,  
Kazim

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